

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 451-2018-00807	
Texas Workforce Commission Civil Rights Division and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Tangala Carter		Home Phone (incl. Area Code) 512-998-2529	
Date of Birth 7/29/1980			
Street Address City, State and ZIP Code 1833 Cheddar Loop Road, Apartment 912, Austin, Texas 78728			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Foxy's Cabaret		No. Employees, Members Over 15	Phone No. (include Area Code) (512) 252-7079
Street Address City, State and ZIP Code 16328 N Interstate Hwy 35, Austin, TX 78728			
DISCRIMINATION BASED ON (Check appropriate box(es))		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Unknown 12/6/2017 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I was hired by the Respondent in June 2017 as a waitress.</p> <p>Soon after I began working at Foxy's, I began hearing employees using the word "nigga" on the job. The first time I heard that was when three waitresses, all of whom are white, were singing along with a song that our DJ was playing that had the word "nigga" in it. I then realized that white employees use the word "nigga" at Foxy's every day, generally to address or refer an African-American employee or customer.</p> <p>In my first month of employment at Foxy's one of the managers, Taylor Radcliff, who is white, came up to me and said "what's up nigga?" I was shocked, and told Mr. Radcliff that it made me feel uncomfortable for him to use that word. However, he continued to call me that word even after I told him I did not like it. Since then, Mr. Radcliff has used the word "nigga" around me or toward me during every shift when we have worked together, which is most of my shifts.</p> <p>In around October 2017, I had a conversation with one of the waitresses, who is white, where I asked why she used the word "nigga" so much, and I told her that it made me feel uncomfortable. After that, I began hearing it used even more.</p> <p>I have had several customers ask me why I continue working at Foxy's when the "n" word gets used so often. On one occasion, one of the customers got angry hearing Mr. Radcliff use the "n" word, and I had to calm him down because he was about to get violent.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements <i>Eugenia Bergeron Simon</i>	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <i>[Signature]</i>	
Date 12-06-2017 Charging Party Signature <i>[Signature]</i>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 12/6/2017	

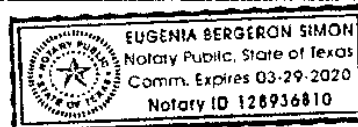
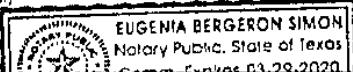


Exhibit 2 -

Plaintiff's Response to Defendant's Motion for Summary Judgment

EEOC Form 3 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 451-2018-00807
Texas Workforce Commission Civil Rights Division and EEOC State or local Agency, if any		
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I noticed also that black employees are made to clean chairs and tables, while the white employees are not required to do that. White employees are permitted to sit around and take breaks and to drink as well, whereas black employees are not. On some shifts, I'm the only African-American employee who works behind the bar. I get asked to clean up after the white employees who work behind the bar, and those employees are not required to clean up after themselves.</p> <p>On November 4, 2017, I told one of our managers, Tommy Perkins, who I understand to be the general manager of the facility, that I was not comfortable with the word "nigga" being used so much, and with the difference in treatment between the white employees and black employees. I told him that I had observed that the white employees were treated much better than the black employees, given easier job duties and being talked to less harshly than the black employees. I told him I felt that something was not right with that difference in treatment.</p> <p>On November 7, I learned that my hours had been cut. I texted my supervisor, Dave Thomas, about my hours being cut, but he did not respond. Several days later at the end of my shift, Mr. Thomas met with me and told me that my hours had been cut because I had not reached out to them sooner about my concerns, and because I had posted something on Facebook about race discrimination.</p> <p>Since I made the report to Mr. Perkins, I have heard the "n" word being used with even more frequency than before. I have also observed that the white employees have been making special attempts to ensure that I hear them use the "n" word, so they will come close to me when they're having a conversation where the "n" word gets used, or when they're singing along to a song with that word in it.</p> <p>I have also noticed that since I talked to him about my concerns about discrimination, Mr. Perkins has been behaving rudely toward me. He has knocked my phone out of my hand, and bumped into me when there was no need to be in close physical proximity to me.</p> <p>I believe Respondent subjected me to a racially hostile work environment and retaliated against me because of my complaints of race discrimination in violation of Title VII of the Civil Rights Act of 1964 and the Texas Commission on Human Rights Act, as amended.</p>		
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements <i>Eugenia Bergeron Simon</i> I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <i>Eugenia Bergeron Simon</i> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE 12/6/2017 (month, day, year) 
Date 12-06-2017	Charging Party Signature <i>Eugenia Bergeron Simon</i>	